

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CARDIAQ VALVE TECHNOLOGIES, INC.,

Plaintiff,

v.

NEOVASC INC. and NEOVASC TIARA INC.,

Defendants.

Civil Action No. 1:14-cv-12405-ADB

DEFENDANTS NEOVASC INC.'S AND NEOVASC TIARA INC.'S

MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendants Neovasc Inc. and Neovasc Tiara Inc. (collectively “Neovasc”) respectfully move this Court for an Order granting partial summary judgment, dismissing in entirety Plaintiff’s claims for correction of inventorship (Count One), Fraud (Count Four), and, to the extent predicated on any form of fraud including nondisclosure, Unfair and Deceptive Trade Practices under Chapter 93A, Section 11 (Count Six). In support of this motion, Neovasc submits a Memorandum of Law with citations to supporting authorities, a Statement of Undisputed Material Facts with page references to supporting materials, and the supporting materials attached as exhibits to the Declaration of Corina I. Cacovean.

REQUEST FOR ORAL ARGUMENT

Neovasc respectfully requests oral argument on its motion and believes that oral argument may assist the Court.

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that the undersigned counsel conferred in good faith with counsel for Plaintiff in an effort to narrow or resolve the issues raised in this motion.

Dated: February 1, 2016

Respectfully submitted,

/s/ Charles T. Graves

Charles Tait Graves (*pro hac vice*)

Douglas H. Carsten (*pro hac vice*)

Peter S. Kang (*pro hac vice*)

WILSON SONSINI GOODRICH & ROSATI, P.C.

12235 El Camino Real, Suite 200

San Diego, CA 92130

Phone: 858-350-2305

Fax: 858-350-2399

Email: dcarsten@wsgr.com

Email: pkang@wsgr.com

John P. Flynn (*pro hac vice*)

Charles T. Graves (*pro hac vice*)

Corina I. Cacovean (*pro hac vice*)

WILSON SONSINI GOODRICH & ROSATI, P.C.

One Market Plaza

Spear Tower, Suite 3300

San Francisco, CA 94105

Phone: 415-947-2109

Fax: 415-947-2099

Email: tgraves@wsgr.com

Veronica Susana Ascarrunz (*pro hac vice*)

WILSON SONSINI GOODRICH & ROSATI, P.C.

1700 K Street, NW, Fifth Floor

Washington, DC 20006

Phone : 202-973-8812

Fax: 202-973-8899

Email: vascarrunz@wsgr.com

Michael L. Chinitz (BBO #552915)
Meredith Wilson Doty (BBO #652220)
ROSE, CHINITZ & ROSE
One Beacon Street, 23rd Floor
Boston, MA 02108
Phone: 617-536-0040
Fax: 617-536-4400

*Attorneys for Defendants
Neovasc Inc. and Neovasc Tiara Inc.*

CERTIFICATE OF SERVICE

I, Charles T. Graves, hereby certify that on February 1, 2016 the foregoing document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Charles T. Graves

Charles T. Graves (admitted *pro hac vice*)